

RESOLUTION NO. 74996

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING WATER SUPPLY AGREEMENT WITH THE CITY AND COUNTY OF SAN FRANCISCO

WHEREAS, the City of San José (San José) has purchased water from the City and County of San Francisco (San Francisco) for many years; and

WHEREAS, the “Settlement Agreement and Master Water Sales Contract” between the City and San Francisco, which was entered into in 1984 and provides for the sale of water to San José by San Francisco, will expire on June 30, 2009; and

WHEREAS, San José is a member of the Bay Area Water Supply and Conservation Agency (BAWSCA), which was formed in 2002 pursuant to Water Code Section 81300 *et seq.* to represent the interests of the communities in Alameda, San Mateo and Santa Clara counties that purchase water from San Francisco; and

WHEREAS, on October 17, 2006, this Council, by Resolution No. 73465 appointed BAWSCA to represent it in negotiations for a new water supply agreement with San Francisco; and

WHEREAS, each of the other 26 entities which are members of BAWSCA similarly delegated negotiating authority to BAWSCA; and

WHEREAS, a Water Supply Agreement, in the form negotiated by BAWSCA, was presented to and approved by the San Francisco Public Utilities Commission on April 28, 2009; and

WHEREAS, approval of the Water Supply Agreement, in the form approved by the San Francisco Public Utilities Commission on April 28, 2009 is necessary in order to provide for the continued supply of water to San José by San Francisco;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The "Water Supply Agreement Between the City and County of San Francisco and Wholesale Customers in Alameda County, San Mateo County, and Santa Clara County" dated July 2009 (Agreement) is approved.
2. The City Manager is authorized and directed to sign the Agreement, in the form approved by the San Francisco Public Utilities Commission, on behalf of San José.

ADOPTED this 16th day of June, 2009, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA,
LICCARDO, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: CHIRCO, NGUYEN.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk